

REMARKS

Claims 1 and 3 to 12 are in the application.

With respect to the objection to the drawings, submitted herewith is a new Fig. 11 which schematically shows the logic steps of the computer program mentioned in claim 12.

Accordingly, withdrawal of the objection to the drawings is respectfully requested.

Reconsideration and withdrawal of the rejection of the claims as being anticipated by the reference to France-Design and unpatentable over Antreich in view of France-Design, are respectfully requested.

As a result of the foregoing Amendment, claim 1 has been amended to set forth the present invention more clearly.

Specifically, claim 1 has been amended to make it clear that the roof is opened by moving one roof part at least partially over the other roof part and then lowering the two roof parts together

in the nested state into the automobile body. It is submitted that this change only sets forth the invention more clearly without introducing new issues because the manner in which the roof parts are moved together was already set forth in claim 1 as originally filed. Claim 9 has also been amended to make the same change.

Applicant respectfully submits that claims 1 and 9 are patentably distinct over the art of record.

As set forth in claims 1 and 9, the convertible according to the present invention includes a roof closing mechanism in which at first a front roof part is completely moved over the rear roof part located behind the front roof part and only then are the nested roof parts 6, 7 lowered together. As mentioned above, this feature has now been set forth more precisely in claims 1 and 9.

Accordingly, in accordance with the present invention, the front roof part first moves entirely over the rear roof part and only then takes place the rearward and downward movement. As a result, both movements can be carried out separately. This makes it possible that the roof can be moved from a position with an open front roof part (sliding roof position) further into a

rollover-type stirrup position or into a completely open convertible position without first having to close the roof. This serves to meet the object of the present invention which is to improve the flexibility of the roof opening. Moreover, the space required by the roof parts 6, 7 is small already while the roof parts are moving, especially when they are moving upwardly. Consequently, the rear roof part 5 only has to be opened by a small distance which results in a flat opening curve, so that the roof protrudes during its opening movement only to a minimum extent over its contour in the closed position and, thus, also provides a very small surface area of attack for the wind during driving. Therefore, the partial opening of the front part, but also the complete opening of the two front roof parts, can be carried out even during a relatively high travel speed of the vehicle; this differs from the reference to Antreich where, for example, in the position of Fig. 3 all linkage parts are in movement and the roof reacts extremely sensitive to wind.

In accordance with the reference to Antreich, the movement of the roof parts for moving into each other takes place with the movements for opening and closing the roof parts below the rearmost roof part.

The additional references of record do also not show this feature. In FR 2693956, the roof has only a single front roof part. In U.S. patent 6,053,560 to Rothe, the frontmost roof part is pulled underneath the roof part located behind the frontmost roof part, so that this movement can only take place when the roof part behind the front roof part has already been lifted by a certain amount. Otherwise, the passengers of the vehicle would be in danger of injury to their heads when the front roof part is opened.

Applicant has noted that the Examiner has indicated that claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. However, Applicant respectfully submits that the claims as they are set forth in the present application are patentable over the art of record.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in

connection with this application may be charged to Patent and
Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,



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